

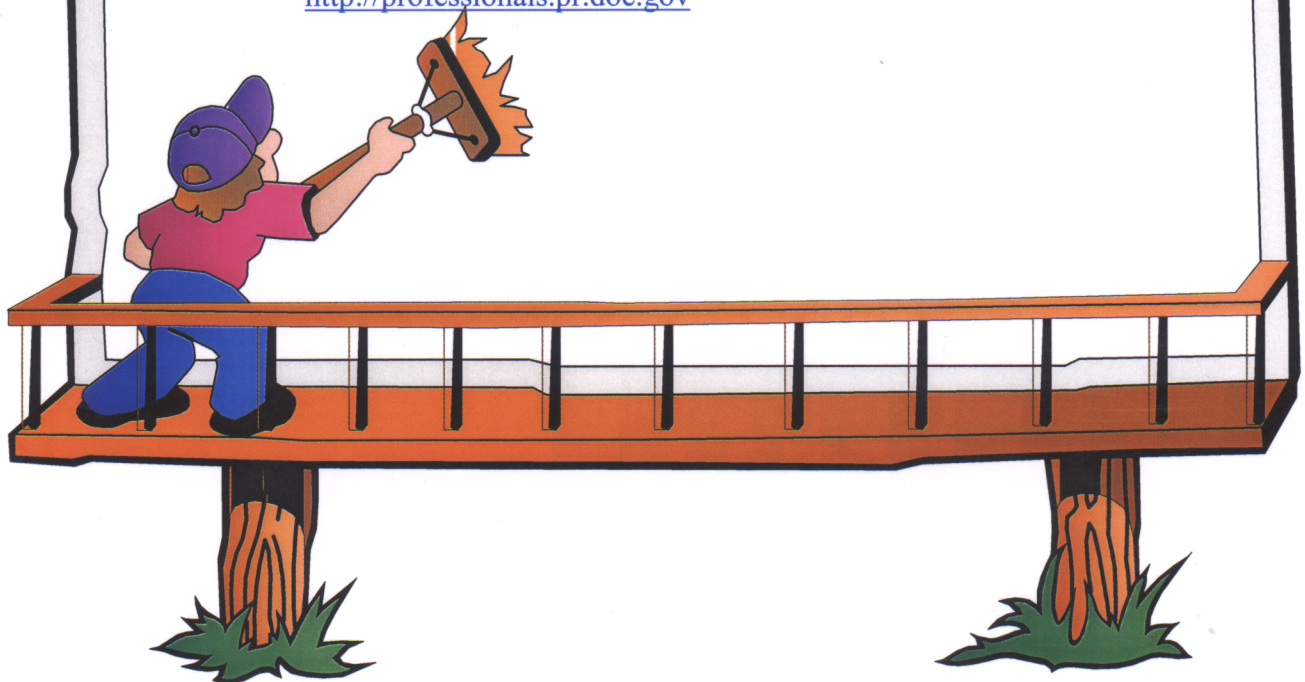
Headquarters Policy Flash

FLASH 2003-13

DATE: May 30, 2003
TO: Procurement Directors
FROM: Office of Procurement and Assistance Policy, ME-61
Office of Procurement and Assistance Management

SUBJECT: **FY 2003 Procurement Related Legislative Provisions and Financial Assistance Letters Remaining in Effect**

SUMMARY: This Flash transmits a summary of a new Acquisition Letter and Financial Assistance Letter that provides implementing guidance on FY 2003 appropriation requirements. The Flash, Acquisition Letter, and Financial Assistance Letter are posted online at <http://professionals.pr.doe.gov>



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1. Acquisition Letter 2003-02 - FY 2003 Legislation Provisions (dated May 30, 2003)

Energy and Water Act

AL-2003-03 provides guidance regarding the implementation of Section 301, 304, 307, 501, 502, and Legislative Direction provided in the House of Representatives Conference Report (Augmenting Federal Staff) of the Energy and Water Development Appropriations Act Pub. L. 108-7 (Division D), also known as the E&W Act. Provisions related to the use of competitive procedures, RFP's for unfunded programs, user facilities, lobbying restrictions, and purchase of American made products are carried over from the FY 2002 Energy and Water Development Appropriations Act Pub. L. 107-63.

Use of competitive procedures and RFP's for unfunded programs have changed from previous years E&W Acts. Use of competitive procedures includes a new prohibition on the use of appropriated funds for the award of an environmental remediation contract or waste management contract in excess of \$100 million in annual funding at a current or former management and operating contract site or facility. Also, as in previous E&W Acts the Secretary is required to submit a report; however, as of the E&W Act for FY 2003 the report is to be submitted within 30 days of Secretarial authorization of a waiver. In addition, the applicability of RFP's for unfunded programs has been clarified so as not to preclude planning activities as addressed in DOE Order 413.3, Program and Project Management for the Acquisition of Capital Assets. It should be noted that in this instance, under this provision planning activities are governed by Program specific funding.

Also, as a fairly new provision Section 307, User Facility, has been evaluated by the Department. The requiring and implementing procurement guidance is contained in the attached Acquisition Letter. Consistent with Acquisition Letter 2002-02, the guidance related to user facilities in the current Acquisition Letter is in concert with the previous overview.

Interior Act

FY 2003 Department of Interior and Related Agencies Appropriations Act Pub. L. 108-7 (Division F) contains three provisions relative to DOE procurement programs; Section 301 addresses public availability of information, Section 302 lobbying restrictions, and an unnumbered provision that prohibits the preparation, issuance, or processing of procurement documents for unfunded programs. Guidance implementing these provisions is contained in the attached Acquisition Letter.

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Defense Act

The Bob Stump National Defense Authorization Act for FY 2003, Pub. L. 107-314, contains a DOE specific procurement related provision providing an extension to the Price-Anderson Act. The implementing guidance relative to this provision can be obtained in Policy Flash 2002-40, Extension of the Price Anderson Act. In addition, other procurement related provisions affecting the Federal Government, as a whole will be processed through the usual FAR regulatory process.

E-Government Act

The E-Government Act of 2002, Pub. L. 107-347, does not include any DOE specific procurement related provisions. However, consistent with the National Defense Act FY 2003, procurement related provisions affecting the Federal Government, as a whole will be processed through the usual FAR regulatory process.

Homeland Security Act

Homeland Security Act of 2002, Pub. L. 107-296, also includes a DOE specific procurement related provision providing for joint sponsorship between DOE and the Department of Homeland Security (DHS) as it relates to laboratories and sites. Section 309, Utilization of Department of Energy National Laboratories and Sites in Support of Homeland Security Activities, provides that the Secretary of the Department of Homeland Security may utilize DOE national labs and sites. DOE Notice 481.1A was issued on April 21, 2003, to provide guidance in the Department's performance of work for the DHS.

For questions related to this Acquisition Letter, contact Denise P. Wright on (202) 586-6217 or via e-mail at Denise.Wright@hq.doe.gov

2. Financial Assistance Letter (FAL) 2003-01

FAL 2003-01, "Financial Assistance Letters remaining in Effect" was issued on May 21, 2003.


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3. Financial Assistance Letter (FAL) 2003-02 on FY 2003 Legislative Provisions (dated May 21, 2003)

The guidance in the FAL is the same as the guidance provided in FL 2002-02, "Implementation of FY 2002 Legislative Provisions:

For questions related to this FAL, contact Jackie Kniskern at 202-586-8189 or via e-mail at Jacqueline.Kniskern@hq.doe.gov



Robert M. Webb, Acting Director
Office of Procurement and
Assistance Policy

Attachments

cc: PPAG Members

FAAC Members